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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 NICOLAS HARTLEY,

11 Plaintiff,

12 vs.

13 UNITED STATES OF AMERICA,

14 Defendant.

Case No. 2:21-cv-1382-APG-EJY

**ORDER ON STIPULATION**

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16 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
17 Court hereby finds that:

18 This Stipulation is entered into for the following reasons:

- 19 1. Nicolas Hartley is a state pre-trial defendant charged in in the Seventh Judicial  
20 District Court of Lincoln County, Nevada, Case No. 0300321, with Sexual Assault  
21 on a Child under the Age of 16, Attempted Sexual Assault on a Child under the  
22 Age of 16, and Lewdness with a Child under the Age of 16.  
23 2. Franklin Katschke represents Hartley in his state case.  
24 3. On July 7, 2021, Katschke hired Utah based Private OPS as a consultant to do

1 digital analysis on electronic devices.

2 4. During its review of the phone, Private OPS discovered what it believed to be child  
3 pornography on Hartley's phone and surrendered the phone to the Salt Lake City  
4 division of the Utah FBI, where the phone is currently located.

5 5. The phone is not and has never been in the possession of the Las Vegas office of the  
6 FBI.

7 6. The Federal Public Defender's Office has moved in the above captioned case to  
8 represent Hartley, to secure return of the phone, and to prevent the federal  
9 government from seeking or executing a federal search warrant on the phone.

10 7. The federal government has not committed itself to prosecuting Hartley at this time,  
11 and that decision will likely affect the litigation position of the parties.

12 8. In an effort to allow the government time to determine whether it even intends to  
13 obtain a federal search warrant for the subject phone, the parties agree to a 30-day  
14 continuance of the motions deadlines set forth above.

15 9. The government agrees that it will not seek a federal search warrant during this 30-  
16 day continuance.

17 10. Counsel for the Government met and conferred with defendant's counsel who  
18 advised she did not object to the continuance.

19 11. The additional time requested herein is not sought for purposes of delay, but to allow  
20 for counsel for the Government to investigate the case taking into account due  
21 diligence.

22 12. This is the first request to extend the response deadlines.

1           THEREFORE, FOR GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that  
2 the Responses to the “Motion to Appointment of Counsel” (ECF No. 1) and “Motion  
3 regarding Samsung Phone of Nicolas Hartley” (ECF No. 2) are due September 7, 2021.

4           Dated this 4th day of August, 2021.

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7 UNITED STATES MAGISTRATE JUDGE  
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